

06/25/03  
01576 U.S. PTO

PATENT  
ATTORNEY DOCKET NO.: 049923-5015-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
**BOX PATENT APPLICATION**  
Washington, D.C. 20231

15757 U.S. PTO  
10/602833  
06/25/03

PRIOR APPLICATION: Examiner: T. Artman  
Group Art Unit: 2882

**DIVISIONAL PATENT APPLICATION TRANSMITTAL**  
**UNDER 37 C.F.R. § 1.53(b)**

This is a request for filing a patent application under 37 C.F.R. § 1.53(b).

1. This application is a [ ] Continuation [X] Divisional [ ] Continuation-in-Part patent application under 37 C.F.R. § 1.53(b), of pending prior application no. 10/143,885, filed on May 14, 2002.

Inventor(s): William K. BURNS, *et al.*

For: **BUFFER LAYER STRUCTURES FOR STABILIZATION OF A LITHIUM NIOBATE DEVICE**

2. The papers enclosed are as follows:

<u>26</u>	Page(s) of specification including
<u>1</u>	Title Page
<u>7</u>	Page(s) of claims
<u>1</u>	Page of abstract
<u>8</u>	Sheet(s) of drawings containing <u>8</u> Figures

3. Amendments

**For continuation and divisional applications:**

- [X] Cancel in this application original claims 1-25 in the enclosed copy of prior application before calculating the filing fee.
- [X] A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

4. Oath or Declaration

**For continuation or divisional applications:**

- ☐ A newly executed (original or copy) oath or declaration is enclosed.
- ☒ A copy of an oath or declaration from a prior application is enclosed under 37 C.F.R. § 1.63(d). The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied is considered as part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☐ A signed statement deleting inventor(s) named in the prior application is enclosed.

5. Relate Back - 35 U.S.C. § 120

- ☒ Amend the specification by inserting before the first line the sentence:  
"This is a divisional application of pending prior application no. 10/143,885, filed on May 14, 2002, which is a Continuation-in-Part of prior appln no. 10/035,193, filed on January 4, 2002, currently \_\_\_\_\_.

6. Assignment

**For continuation or divisional applications:**

- ☒ The prior application is assigned of record to Codeon Corporation recorded September 18, 2002 at Reel/Frame 013306/0247.
- ☐ An assignment of the invention to \_\_\_\_\_ and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

**For continuation-in-part applications:**

- ☐ An assignment of the invention to \_\_\_\_\_ and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

7. Fee Calculation (37 C.F.R. § 1.16)

<b>CLAIMS FOR FEE CALCULATION</b>				
	Number Filed	Number Extra	at Rate of	Basic Fee Utility \$750.00 Design \$330.00
Total Claims (37 C.F.R. § 1.16(c))	5- 20 =	0	\$ 18.00 each =	+ \$0.00
Independent Claims (37 C.F.R. § 1.16(b))	1 - 3 =	0	\$ 84.00 each =	+ \$0.00
Multiple dependent claim(s), if any (37 C.F.R. § 1.16(d))			\$280.00	+ \$0.00
<b>SUB-TOTAL =</b>				<b>\$750.00</b>
Reduction by ½ for filing by a small entity				- \$
<b>TOTAL FILING FEE =</b>				<b>\$750.00</b>

8. Fee Payment

☐ NO FEE IS BEING PAID AT THIS TIME.

This application is being filed under the provisions of 37 C.F.R. § 1.53(f).  
Applicant(s) await notification from the Patent and Trademark Office of the time  
set for filing the Declaration and paying the filing fees.

☐ A check(s) in the amount of \_\_\_\_\_ to cover \_\_\_\_\_ is enclosed.

☒ The Commissioner is hereby authorized to charge \$750.00 for the filing fee to  
Deposit Account No. 50-0310.

9. ☒ The current power of attorney in the prior application is to at least one of the  
registered practitioners of Morgan, Lewis & Bockius LLP included in the  
Customer Number provided below to prosecute this application and to transact all  
business in the Patent and Trademark Office connected therewith, and all  
correspondence shall be addressed to that Customer Number.

Please address all correspondence to Morgan, Lewis & Bockius LLP at:

**Customer Number: 009629**

10. ☐ Recognize as associate attorney \_\_\_\_\_  
(name, address, and registration no.)

11. ☒ **PETITION FOR EXTENSION OF TIME.** If any extension of time is necessary for the filing of this application, including any extension in the prior application, application No. 10/143,885, filed on May 14, 2002 and application no. 10/035,193 filed on January 4, 2002, for the purpose of maintaining copendency between the prior application and the present application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to Deposit Account No. 50-0310.
12. ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be an **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).
13. Additional papers enclosed:
- ☒ Information Disclosure Statement
  - ☒ Form PTO-1449, no references included
  - ☐ Preliminary Amendment

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Date: June 25, 2003

By: Donald L. Monin Jr.  
Donald Monin, Jr.  
Reg. No. 47,256

**Customer No.: 009629**  
**MORGAN, LEWIS & BOCKIUS LLP**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Tel. 202.739.3000  
Fax. 202.739.3001